

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Matt J. Mided,

Petitioner,

v.

Edwin Jensen, et al.,

Respondents.

No. CV-13-08050-PCT-GMS

**ORDER**

Pending before the Court are Petitioner's Petition for Writ of Habeas Corpus and United States Magistrate Judge James F. Metcalf's Report and Recommendation ("R&R"). Docs. 1, 20. The R&R recommends that the Court dismiss with prejudice Ground Four and deny the remainder of the Petition. Doc. 20 at 27. The Magistrate Judge advised the parties that they had fourteen days to file objections to the R&R and that failure to file timely objections could be considered a waiver of the right to obtain review of the R&R. *Id.* at 28 (citing Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)).

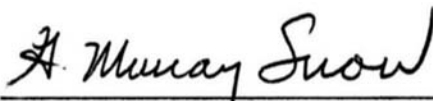
The parties did not file objections, which relieves the Court of its obligation to review the R&R. *See Reyna-Tapia*, 328 F.3d at 1121; *Thomas v. Arn*, 474 U.S. 140, 149 (1985) ("[Section 636(b)(1)] does not . . . require any review at all . . . of any issue that is not the subject of an objection."); Fed. R. Civ. P. 72(b)(3) ("The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to."). The Court has nonetheless reviewed the R&R and finds that it is well-

1 taken. The Court will accept the R&R and dismiss with prejudice Ground Four and deny  
2 the remainder of the Petition. *See* 28 U.S.C. § 636(b)(1) (stating that the district court  
3 “may accept, reject, or modify, in whole or in part, the findings or recommendations  
4 made by the magistrate”); Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject,  
5 or modify the recommended disposition; receive further evidence; or return the matter to  
6 the magistrate judge with instructions.”).

7 **IT IS ORDERED:**

- 8 1. Magistrate Judge Metcalf’s R&R (Doc. 20) is **accepted**.  
9 2. Petitioner’s Petition for Writ of Habeas Corpus (Doc. 1), Ground Four is  
10 **dismissed with prejudice and the remainder of the Petition is denied**.  
11 3. The Clerk of Court shall **terminate** this action.  
12 4. Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases, in the  
13 event Petitioner files an appeal, the Court declines to issue a certificate of appealability  
14 because reasonable jurists would not find the Court’s procedural ruling debatable. *See*  
15 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

16 Dated this 11th day of April, 2014.

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20 G. Murray Snow  
21 United States District Judge  
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